

**FAX TRANSMITTAL COVER SHEET**

**TO:** U. S. Patent and Trademark Office  
Technology Center 1600  
Attn: Examiner, Patricia A. Patten  
Art Unit: 1654

**FAX RECEIVED****AUG 25 2003****GROUP 1600**

**FAX NO.:** (703) 872-9307

**DATE:** August 25, 2003

**FROM:** Carol G. Mintz

**Conley Rose, P.C.**  
**JPMorgan Chase Tower**  
**600 Travis Street, Suite 7100**  
**Houston, Texas 77002-2912**

**TELEPHONE:** (713) 238-8000

**FAX:** (713) 238-8008

**CLIENT NO.:** SBI-073 (2026-00800)

**TOTAL NUMBER OF PAGES (INCLUDING THIS ONE)** 15

**COMMENTS:** Re: U.S. Patent Application No. 09/746,921  
Filing Date: December 22, 2000  
Applicant: Kevin J. Thorne

The following documents are attached for filing:

- Request for Continued Examination (RCE) Transmittal (1 p.)
- Amendment and Response to Office Action dated February 25, 2003 (11 p.)
- Fee Transmittal for FY 2003 (1 p.)
- Petition For Extension of Time (3-month extension) (1 p.)

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being sent by facsimile transmission on the date shown below to the U.S. Patent and Trademark Office at the facsimile number above, in accordance with 37 CFR § 1.6(d).

M. A. CRABTREE

(Type or print name of person mailing paper)

Date: August 25, 2003

M. A. Crabtree  
(Signature of person mailing paper)

This facsimile and the information it contains is intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone.

PTO/SB/030 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Request For Continued Examination (RCE) Transmittal</b>  Address to Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/746,921
	Filing Date	December 22, 2000
	First Named Inventor	Kevin J. Thorne
	Art Unit	1654
	Examiner Name	P. A. Patten
	Attorney Docket Number	SBI-073

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plan application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114.** Note: If the RCE is proper, any previously filed unentered amendments amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

ii. ☐ Other

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(e) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(l) required)

b. ☐ Other

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-2769

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Carol G. Mintz	Registration No. (Attorney/Agent)	38,561
Signature	<i>Carol G. Mintz</i>	Date	August 25, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the U.S. Patent and Trademark Office by facsimile transmission on the date shown below to (703) 872-9307, in accordance with 37 CFR § 1.6(d)			
Name (Print/Type)	M. A. CRABTREE		
Signature	<i>M. A. Crabtree</i>	Date	August 25, 2003

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O.

PTO/SB/017 (05-03)

Approved for use through 04/30/2005 OMB 0451-0032  
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b> <b>For FY 2003</b>		<b>Complete if Known</b>																																																																																																																																									
<i>Effective 01/01/2003. Patent fees are subject to annual revision.</i>		Application Number	09/746,921																																																																																																																																								
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	December 22, 2000																																																																																																																																								
		First Named Inventor	Kevin J. Thorne																																																																																																																																								
		Examiner Name	Patricia A. Patten																																																																																																																																								
		Art Unit	1654																																																																																																																																								
<b>TOTAL AMOUNT OF PAYMENT</b>		Attorney Docket No.	SBI-073																																																																																																																																								
<b>\$ 1,680.00</b>																																																																																																																																											
METHOD OF PAYMENT (Check all that apply)		FEE CALCULATION (continued)																																																																																																																																									
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee</th> <th style="text-align: left;">Small Entity Fee</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Code (\$)</td> <td>Code (\$)</td> <td></td> <td></td> </tr> <tr> <td>1051 130</td> <td>2051 65</td> <td>Surcharge - late filing fee or oath</td> <td>\$</td> </tr> <tr> <td>1052 50</td> <td>2052 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td>\$</td> </tr> <tr> <td>1053 130</td> <td>1053 130</td> <td>Non-English specification</td> <td>\$</td> </tr> <tr> <td>1812 2,520</td> <td>1812 2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td>\$</td> </tr> <tr> <td>18042 920*</td> <td>1804 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td>\$</td> </tr> <tr> <td>1805 1,840*</td> <td>1805 1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td>\$</td> </tr> <tr> <td>1251 110</td> <td>2251 55</td> <td>Extension for reply within first month</td> <td>\$</td> </tr> <tr> <td>1252 410</td> <td>2252 205</td> <td>Extension for reply within second month</td> <td>\$</td> </tr> <tr> <td>1253 930</td> <td>2253 465</td> <td>Extension for reply within third month</td> <td>\$930.00</td> </tr> <tr> <td>1254 1,450</td> <td>2254 725</td> <td>Extension for reply within fourth month</td> <td>\$</td> </tr> <tr> <td>1255 1,970</td> <td>2255 985</td> <td>Extension for reply within fifth month</td> <td>\$</td> </tr> <tr> <td>1401 120</td> <td>2401 60</td> <td>Notice of Appeal</td> <td>\$</td> </tr> <tr> <td>1402 120</td> <td>2402 60</td> <td>Filing a brief in support of an appeal</td> <td>\$</td> </tr> <tr> <td>1403 280</td> <td>2403 40</td> <td>Request for oral hearing</td> <td>\$</td> </tr> <tr> <td>1451 1,510</td> <td>1452 1,510</td> <td>Petition to institute a public use proceeding</td> <td>\$</td> </tr> <tr> <td>1452 110</td> <td>2452 55</td> <td>Petition to revive - unavoidable</td> <td>\$</td> </tr> <tr> <td>1453 1,300</td> <td>2453 650</td> <td>Petition to revive - unintentional</td> <td>\$</td> </tr> <tr> <td>1501 1,300</td> <td>2501 650</td> <td>Utility issue fee (or reissue)</td> <td>\$</td> </tr> <tr> <td>1502 470</td> <td>2502 235</td> <td>Design issue fee</td> <td>\$</td> </tr> <tr> <td>1503 650</td> <td>2503 315</td> <td>Plant issue fee</td> <td>\$</td> </tr> <tr> <td>1460 130</td> <td>1460 130</td> <td>Petitions to the Commissioner</td> <td>\$</td> </tr> <tr> <td>1807 50</td> <td>1806 50</td> <td>Processing fee under 37 CFR 1.17(g)</td> <td>\$</td> </tr> <tr> <td>123 50</td> <td>123 50</td> <td>Petitions related to provisional applications</td> <td>\$</td> </tr> <tr> <td>1806 180</td> <td>1806 180</td> <td>Submission of Information Disclosure Sheet</td> <td>\$</td> </tr> <tr> <td>8021 40</td> <td>8021 40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>\$</td> </tr> <tr> <td>1809 750</td> <td>2809 375</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td>\$</td> </tr> <tr> <td>1810 750</td> <td>2810 375</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td>\$</td> </tr> <tr> <td>1801 750</td> <td>2801 375</td> <td>Request for Continued Examination (RCE)</td> <td>\$750.00</td> </tr> <tr> <td>1802 900</td> <td>1802 900</td> <td>Request for expedited examination of a design application</td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td>Other fee (specify)</td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td><b>*Reduced by Basic Filing Fee Paid</b></td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;"><b>SUBTOTAL (3)</b></td> <td style="text-align: right;"><b>\$1,680.00</b></td> </tr> </tbody> </table>		Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid	Code (\$)	Code (\$)			1051 130	2051 65	Surcharge - late filing fee or oath	\$	1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	\$	1053 130	1053 130	Non-English specification	\$	1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	\$	18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action	\$	1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	\$	1251 110	2251 55	Extension for reply within first month	\$	1252 410	2252 205	Extension for reply within second month	\$	1253 930	2253 465	Extension for reply within third month	\$930.00	1254 1,450	2254 725	Extension for reply within fourth month	\$	1255 1,970	2255 985	Extension for reply within fifth month	\$	1401 120	2401 60	Notice of Appeal	\$	1402 120	2402 60	Filing a brief in support of an appeal	\$	1403 280	2403 40	Request for oral hearing	\$	1451 1,510	1452 1,510	Petition to institute a public use proceeding	\$	1452 110	2452 55	Petition to revive - unavoidable	\$	1453 1,300	2453 650	Petition to revive - unintentional	\$	1501 1,300	2501 650	Utility issue fee (or reissue)	\$	1502 470	2502 235	Design issue fee	\$	1503 650	2503 315	Plant issue fee	\$	1460 130	1460 130	Petitions to the Commissioner	\$	1807 50	1806 50	Processing fee under 37 CFR 1.17(g)	\$	123 50	123 50	Petitions related to provisional applications	\$	1806 180	1806 180	Submission of Information Disclosure Sheet	\$	8021 40	8021 40	Recording each patent assignment per property (times number of properties)	\$	1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	\$	1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	\$	1801 750	2801 375	Request for Continued Examination (RCE)	\$750.00	1802 900	1802 900	Request for expedited examination of a design application	\$			Other fee (specify)	\$			<b>*Reduced by Basic Filing Fee Paid</b>				<b>SUBTOTAL (3)</b>	<b>\$1,680.00</b>
Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid																																																																																																																																								
Code (\$)	Code (\$)																																																																																																																																										
1051 130	2051 65	Surcharge - late filing fee or oath	\$																																																																																																																																								
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	\$																																																																																																																																								
1053 130	1053 130	Non-English specification	\$																																																																																																																																								
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	\$																																																																																																																																								
18042 920*	1804 920*	Requesting publication of SIR prior to Examiner action	\$																																																																																																																																								
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	\$																																																																																																																																								
1251 110	2251 55	Extension for reply within first month	\$																																																																																																																																								
1252 410	2252 205	Extension for reply within second month	\$																																																																																																																																								
1253 930	2253 465	Extension for reply within third month	\$930.00																																																																																																																																								
1254 1,450	2254 725	Extension for reply within fourth month	\$																																																																																																																																								
1255 1,970	2255 985	Extension for reply within fifth month	\$																																																																																																																																								
1401 120	2401 60	Notice of Appeal	\$																																																																																																																																								
1402 120	2402 60	Filing a brief in support of an appeal	\$																																																																																																																																								
1403 280	2403 40	Request for oral hearing	\$																																																																																																																																								
1451 1,510	1452 1,510	Petition to institute a public use proceeding	\$																																																																																																																																								
1452 110	2452 55	Petition to revive - unavoidable	\$																																																																																																																																								
1453 1,300	2453 650	Petition to revive - unintentional	\$																																																																																																																																								
1501 1,300	2501 650	Utility issue fee (or reissue)	\$																																																																																																																																								
1502 470	2502 235	Design issue fee	\$																																																																																																																																								
1503 650	2503 315	Plant issue fee	\$																																																																																																																																								
1460 130	1460 130	Petitions to the Commissioner	\$																																																																																																																																								
1807 50	1806 50	Processing fee under 37 CFR 1.17(g)	\$																																																																																																																																								
123 50	123 50	Petitions related to provisional applications	\$																																																																																																																																								
1806 180	1806 180	Submission of Information Disclosure Sheet	\$																																																																																																																																								
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	\$																																																																																																																																								
1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	\$																																																																																																																																								
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	\$																																																																																																																																								
1801 750	2801 375	Request for Continued Examination (RCE)	\$750.00																																																																																																																																								
1802 900	1802 900	Request for expedited examination of a design application	\$																																																																																																																																								
		Other fee (specify)	\$																																																																																																																																								
		<b>*Reduced by Basic Filing Fee Paid</b>																																																																																																																																									
		<b>SUBTOTAL (3)</b>	<b>\$1,680.00</b>																																																																																																																																								
<b>1. BASIC FILING FEE</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee</th> <th style="text-align: left;">Small Entity Fee</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Code (\$)</td> <td>Code (\$)</td> <td></td> <td></td> </tr> <tr> <td>1001 750</td> <td>2001 375</td> <td>Utility filing fee</td> <td>\$</td> </tr> <tr> <td>1002 330</td> <td>2002 165</td> <td>Design filing fee</td> <td>\$</td> </tr> <tr> <td>1003 520</td> <td>2003 260</td> <td>Plant filing fee</td> <td>\$</td> </tr> <tr> <td>1004 750</td> <td>2004 375</td> <td>Reissue filing fee</td> <td>\$</td> </tr> <tr> <td>1005 160</td> <td>2005 80</td> <td>Provisional filing fee</td> <td>\$</td> </tr> </tbody> </table> <p style="text-align: right;"><b>SUBTOTAL (1) \$</b></p>		Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid	Code (\$)	Code (\$)			1001 750	2001 375	Utility filing fee	\$	1002 330	2002 165	Design filing fee	\$	1003 520	2003 260	Plant filing fee	\$	1004 750	2004 375	Reissue filing fee	\$	1005 160	2005 80	Provisional filing fee	\$	<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Total Claims</th> <th style="text-align: left;">Extra Claims</th> <th style="text-align: left;">Fee from below</th> <th style="text-align: left;">Fee Paid</th> </tr> </thead> <tbody> <tr> <td>20** = 0</td> <td>0</td> <td>18.00</td> <td>\$</td> </tr> <tr> <td>Independent 3** = 0</td> <td>0</td> <td>84.00</td> <td>\$</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td>280.00</td> <td>\$0.00</td> </tr> </tbody> </table> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee</th> <th style="text-align: left;">Small Entity Fee</th> <th style="text-align: left;">Fee Description</th> </tr> </thead> <tbody> <tr> <td>Code (\$)</td> <td>Code (\$)</td> <td></td> </tr> <tr> <td>1202 18</td> <td>2202 9</td> <td>Claims in excess of 30</td> </tr> <tr> <td>1201 84</td> <td>2201 42</td> <td>Independent Claims in excess of 3</td> </tr> <tr> <td>1203 280</td> <td>2203 140</td> <td>Multiple dependent claims, if not paid</td> </tr> <tr> <td>1204 84</td> <td>2204 42</td> <td>** Reissue independent claims over original patent</td> </tr> <tr> <td>1205 18</td> <td>2205 9</td> <td>** Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table> <p style="text-align: right;"><b>SUBTOTAL (2) \$</b></p>		Total Claims	Extra Claims	Fee from below	Fee Paid	20** = 0	0	18.00	\$	Independent 3** = 0	0	84.00	\$	Multiple Dependent		280.00	\$0.00	Large Entity Fee	Small Entity Fee	Fee Description	Code (\$)	Code (\$)		1202 18	2202 9	Claims in excess of 30	1201 84	2201 42	Independent Claims in excess of 3	1203 280	2203 140	Multiple dependent claims, if not paid	1204 84	2204 42	** Reissue independent claims over original patent	1205 18	2205 9	** Reissue claims in excess of 20 and over original patent																																																																							
Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid																																																																																																																																								
Code (\$)	Code (\$)																																																																																																																																										
1001 750	2001 375	Utility filing fee	\$																																																																																																																																								
1002 330	2002 165	Design filing fee	\$																																																																																																																																								
1003 520	2003 260	Plant filing fee	\$																																																																																																																																								
1004 750	2004 375	Reissue filing fee	\$																																																																																																																																								
1005 160	2005 80	Provisional filing fee	\$																																																																																																																																								
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																								
20** = 0	0	18.00	\$																																																																																																																																								
Independent 3** = 0	0	84.00	\$																																																																																																																																								
Multiple Dependent		280.00	\$0.00																																																																																																																																								
Large Entity Fee	Small Entity Fee	Fee Description																																																																																																																																									
Code (\$)	Code (\$)																																																																																																																																										
1202 18	2202 9	Claims in excess of 30																																																																																																																																									
1201 84	2201 42	Independent Claims in excess of 3																																																																																																																																									
1203 280	2203 140	Multiple dependent claims, if not paid																																																																																																																																									
1204 84	2204 42	** Reissue independent claims over original patent																																																																																																																																									
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent																																																																																																																																									
<p><b>** or number previously paid, if greater. For Reissues, see above</b></p>																																																																																																																																											
<b>SUBMITTED BY</b>		<b>Complete if applicable</b>																																																																																																																																									
Name (Print/Type)	Carol G. Mintz	Registration No. (Attorney/Agent)	38,561																																																																																																																																								
Signature	<i>Carol G. Mintz</i>	Telephone	(713) 238-8000																																																																																																																																								
		Date	August 25, 2003																																																																																																																																								

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.  
107922 01/2026-00800